

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	
	:	NO. 3:18-CR-0097
v.	:	
	:	(MARIANI, J.)
ROSS ROGGIO, and	:	
ROGGIO CONSULTING, LLC,	:	
Defendants.	:	

**GOVERNMENT'S *IN LIMINE* MOTION TO
PRECLUDE EVIDENCE OR ARGUMENT
ABOUT EXPORT CONTROL REFORM**

The Government, by and through undersigned counsel, respectfully moves *in limine* for the Court to issue an Order to preclude the defendant from introducing evidence or making arguments about changes to the export control laws and regulations that occurred after the alleged crimes for which he is charged in the Superseding Indictment.

1. The defendant is charged with illegally exporting three types of firearm parts: (1) M4 Bolt Gas Rings MIL; (2) M4 Firing Pin Retainers; and (3) rifling combo buttons.

2. As the Government will prove at trial, at the time Roggio exported these items in or about March 2016, the M4 Bolt Gas Rings MIL and M4 Firing Pin Retainers were controlled for export by the U.S.

Department of State on the United States Munitions List (“USML”) (specifically, under USML Category I(h)), while the rifling combo buttons were controlled by the U.S. Department of Commerce on the Commerce Control List (“CCL”) (specifically, under Export Control Classification Number (“ECCN”) 2B018.e).

3. In or about March 2020 – in other words, four years after Roggio’s illegal exports and two years after he was indicted for those crimes – final rules issued by the Departments of Commerce and State went into effect, revising the control of certain types of firearms, guns, ammunition, and related articles. *See* 85 Fed. Reg. 3819 (Jan. 23, 2020); 85 Fed. Reg. 4136 (Jan. 23, 2020).

4. Such changes to law and regulation are irrelevant to the question of Roggio’s guilt, because a license was required at the time that he shipped the firearm parts, and also would be required today, so it would be a crime to export the parts at any point in time. Similarly, any attempt by Roggio to argue that the shift in control and licensing regimes (again, years after his crimes) indicates that this area of regulatory compliance is overly complicated and somehow supports a

lack of willfulness on his part also is irrelevant and should likewise be prohibited.

Dated: April 10, 2023

Respectfully submitted,

GERARD M. KARAM
UNITED STATES ATTORNEY

/s/ Todd K. Hinkley
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that he is an employee in the Office of the United States Attorney for the Middle District of Pennsylvania and is a person of such age and discretion to be competent to serve papers.

That on April 10, 2023, he served a copy of the attached **GOVERNMENT’S MOTION IN LIMINE TO PRECLUDE EVIDENCE OR ARGUMENT ABOUT EXPORT CONTROL REFORM** by electronic means to:

Gino Bartolai
bartolai@ptd.net

/s/ Todd K. Hinkley
Todd K. Hinkley
Assistant United States Attorney

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CERTIFICATE OF NON-CONCURRENCE

The undersigned hereby certifies that he attempted to speak to Gino A. Bartolai, Esquire, counsel for Ross Roggio concerning the defendant's concurrence/non-concurrence in the attached motion *in limine*. Attorney Bartolai indicated that the defense does not concur in the attached motion.

/s/ Todd K. Hinkley
Todd K. Hinkley
Assistant United States Attorney